

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1, 3-7 and 9-12 are now present in the application and claims 1 and 7 are independent. Applicants especially appreciate the helpful suggestion regarding claim language found at the middle of page 3 of the Office Action.

The Office Action dated October 16, 2008 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claim Rejections – 35 U.S.C. § 102

Claims 1 and 7 under 35 U.S.C. § 102(b) for alleged anticipation over WO 97/32437 to Oshima et al. (“Oshima”). For purposes of explanation, the Examiner makes reference to the EP 1693844 A2 document for an English language version. Applicants submit that the Examiner has failed to establish a *prima facie* case of anticipation and respectfully traverse the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the cited reference must teach or inherently include each and every element of the claims. See *M.P.E.P.* § 2131; *M.P.E.P.* § 706.02.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of elements in an image data generating apparatus including an information generating means for generating an integration information that indicates whether images from different viewpoints have been integrated into a single image or not and an image placement information that indicates a placement relationship of the images from the different viewpoints inside of the single integrated image when the images from the different viewpoints are integrated into the single image, wherein the data format includes the integration information and the image placement information, and the image placement information includes information on the placement relationship in which the viewpoint images

are positioned by rotation of a predetermined angle, and a placement order information that indicates whether the images are arranged in an order of the viewpoints or in a reverse order of the viewpoints. Applicants respectfully submit that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Oshima.

The Examiner states that the terms in the original claims can be broadly interpreted so that the data format, placement mode, integration information and image placement information can be read on features in Oshima. The Examiner takes the position that, as shown in Figure 18 of Oshima indicating the stereoscopic PG video logic arrangement file, codes 000 meaning that there is no stereoscopic video, 110 meaning that there is entire stereoscopic video, and 001 meaning there is a mixture of 3D and ordinary video can be broadly interpreted as the claimed "integration information" and "placement information" and the Examiner identifies "Stereoscopic video arrangement table" 14 shown in Figure 4 as the claimed "placement mode".

In the present application, the placement mode means a placement relationship of the images from the different viewpoints inside of the single integrated image when the images from the different viewpoints are integrated into the single image, as shown for example in Figures 2-4 of the present application. On the other hand, stereoscopic video arrangement table 14 as shown in Figure 4 of Oshima shows arrangement positions of R and L stereoscopic videos on the optical disk, as described in column 6, lines 5-11. The claims have been amended to emphasize these differences.

Applicants respectfully submit that these are merely codes representing the presence or absence of different kinds of data, and instant claim 1 has been amended to make clear the integration information indicates whether images from different viewpoints have been integrated into a single image or not, an image placement information indicates a placement relationship of the images from the different viewpoints inside of the single integrated image when the images from the different viewpoints are integrated into the single image, the data format includes the integration information and the image placement information, and the image placement information includes information on the placement relationship in which the viewpoint images are positioned by rotation of a predetermined angle, and a placement order information that

indicates whether the images are arranged in an order of the viewpoints or in a reverse order of the viewpoints. In Oshima, to the contrary, the codes referenced by the Examiner in Figures 4, 15 and 18 merely indicate the kinds of data found at the specified addresses, and do not indicate whether the data for an image has been integrated and does not indicate the placement relationship in which the integrated images are positioned by rotation of a predetermined angle. Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Oshima, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 3-6, Applicants submit that claims 3-6 depend, either directly or indirectly, from independent claim 1 which is allowable for the reasons set forth above, and therefore claims 3-6 are allowable based on their dependence from claim 1. Reconsideration and allowance thereof are respectfully requested.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 7 has been amended to recite a combination of elements in an image data reproducing apparatus including analyzing means which analyzes an integration information that indicates whether images from different viewpoints have been integrated into a single image or not, and an image placement information that indicates a placement relationship of the images from the different viewpoints inside of the single integrated image, and reproduces the plurality of images using the integration information and the image placement information, and the image placement information includes information on the placement relationship in which the viewpoint images are positioned by rotation of a predetermined angle, and a placement order information that indicates whether the images are arranged in an order of the viewpoints or in a reverse order of the viewpoints.

Applicants respectfully submit that the codes in Oshima are merely codes representing the presence or absence of different kinds of data, and instant claim 7 has been amended to make clear the integration information indicates whether images from different viewpoints have been integrated into a single image or not, an image placement information indicates a placement

relationship of the images from the different viewpoints inside of the single integrated image when the images from the different viewpoints are integrated into the single image, the data format includes the integration information and the image placement information, and the image placement information includes information on the placement relationship in which the viewpoint images are positioned by rotation of a predetermined angle, and a placement order information that indicates whether the images are arranged in an order of the viewpoints or in a reverse order of the viewpoints. In Oshima, to the contrary, the codes referenced by the Examiner in Figures 4, 15 and 18 merely indicate the kinds of data found at the specified addresses, and do not indicate whether the data for an image has been integrated and does not indicate the placement relationship in which the integrated images are positioned by rotation of a predetermined angle.

Applicants respectfully submit that the combination of elements as set forth in independent claim 7 is not disclosed or made obvious by the prior art of record, including Oshima, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 9-12, Applicants submit that claims 9-12 depend, either directly or indirectly, from independent claim 7 which is allowable for the reasons set forth above, and therefore claims 9-12 are allowable based on their dependence from claim 7. Reconsideration and allowance thereof are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 2-6 and 8-12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Oshima in view of Matsuo. Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverse the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. *See M.P.E.P. § 706.02(j); M.P.E.P. 2141-2144.*

In the Office Action, the rejection takes the position that Matsuo teaches image placement information in paragraph [0055] and Figure 9, which is information on the placement mode in which the viewpoint images are positioned by rotation of a predetermined angle, and teaches image placement information in Figure 10, which is information as to whether information is in order or reverse order, horizontal or vertical.

To the contrary, Matsuo fails to teach integration information that indicates whether images from different viewpoints have been integrated into a single image or not, an image placement information indicates a placement relationship of the images from the different viewpoints inside of the single integrated image when the images from the different viewpoints are integrated into the single image, the data format includes the integration information and the image placement information, and the image placement information includes information on the placement relationship in which the viewpoint images are positioned by rotation of a predetermined angle, and a placement order information that indicates whether the images are arranged in an order of the viewpoints or in a reverse order of the viewpoints, and therefore cannot remedy the defects of amended claim 1, and claims 3-6 dependent thereon. Likewise, Matsuo fails to teach analyzing means which analyzes an integration information that indicates whether images from different viewpoints have been integrated into a single image or not, and an image placement information that indicates a placement relationship of the images from the different viewpoints inside of the single integrated image, and reproduces the plurality of images using the integration information and the image placement information, and the image placement information includes information on the placement relationship in which the viewpoint images are positioned by rotation of a predetermined angle, and a placement order information that indicates whether the images are arranged in an order of the viewpoints or in a reverse order of the viewpoints and therefore cannot remedy the defects of amended claim 7, and claims 9-12 dependent thereon.

Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

Prompt and favorable consideration of this Amendment is respectfully requested.

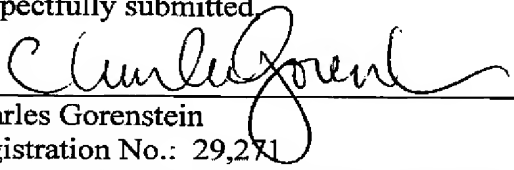
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: January 13, 2009

Respectfully submitted,

By


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